

Notice of Allowability

Application No.

10/680,644

Examiner

Jimmy T. Nguyen

Applicant(s)

TURNER ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/26/06.
2. ☒ The allowed claim(s) is/are 10-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 7/31/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Lowell A. Larson
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Peter Klobuchard on October 02, 2006.

In the specification, page 1, line 4:

Numeral "6,72,900" has been changed to --- 6,772,900 ---.

Claims 1-9 have been cancelled.

In claim 12, line 3:

The first occurrence word "segment" has been changed to --- member ---.

In claim 12, line 3:

The second occurrence word "segment" has been changed to --- member ---.

Claims 18-20 have been cancelled.

Information Disclosure Statement

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed July 31, 2006, which I.D.S. has been placed of record in the file. An initialed, signed, and dated copy of the form PTO-1449 is attached to this Office action.

Drawings

The proposed drawing correction filed on September 26, 2006 has been acknowledged and approved. The drawing correction sufficiently overcomes the drawing objections noted in the previous Office action.

Allowable Subject Matter

Claims 10-16 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 10 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a method of manufacturing an easy can end member comprising the steps of: *moving the center panel downwardly by the providing relative movement step wherein the U-shaped counter sink is removed extending an area of the center panel radially outwardly; and moving the annular arcuate chuck wall downwardly by the providing relative movement step to form a folded portion between the annular arcuate chuck wall and the center panel*, in combination with the rest of the claimed limitations.

Newly cited US 7,107,810 to McClung in the IDS filed 7/31/2006 discloses a method for forming a rolled reinforcing rib in a can end shell. But McClung fails to disclose the step of moving the center panel downwardly to remove the U-shaped counter sink by a relative movement between the can end shell and the upper and lower tooling.

US 3,868,919 to Schrecker et al. is being the closest reference to the instant invention, Schrecker discloses a method for forming a can end comprising the steps of: providing a can shell end including a center panel (fig. 6), a U-shaped counter sink (96), an arcuate chuck wall

Art Unit: 3725

(121), and a curl (101), Schrecker discloses the step of removing the U-shaped counter sink by moving the center panel downward (figs. 8-9) by a first set of upper and lower tooling (104, 106, 108 and 110). Schrecker discloses folded portion between the chuck wall and the center panel is being created moving the arcuate chuck wall downwardly (figs. 10-11) by a different set of tooling (114, 116, 118 and 120). Therefore, Schrecker fails to disclose the invention as claimed in claim 10, which requires both of the moving steps are being performed by the same upper and lower tooling.

US 3,765,352 to Schubert et al. discloses a method for forming a can end. Schubert discloses a folded portion (51, 53) is being formed by moving a lower tooling (143) upward (col. 6, lines 63-66). Therefore, Schubert fails to disclose the step of moving the annular arcuate chuck wall downwardly by the providing relative movement step to form a folded portion.

Neither the prior art of record nor in combination thereof discloses the claimed invention as set forth in claim 10. Therefore, it is concluded by the Examiner that claim 10 and its dependents are allowable over the prior art of record.

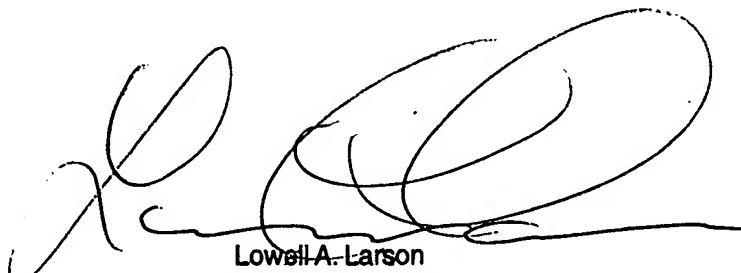
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
October 02, 2006



Lowell A. Larson
Primary Examiner



Drawing approved
9/30/06
JTN

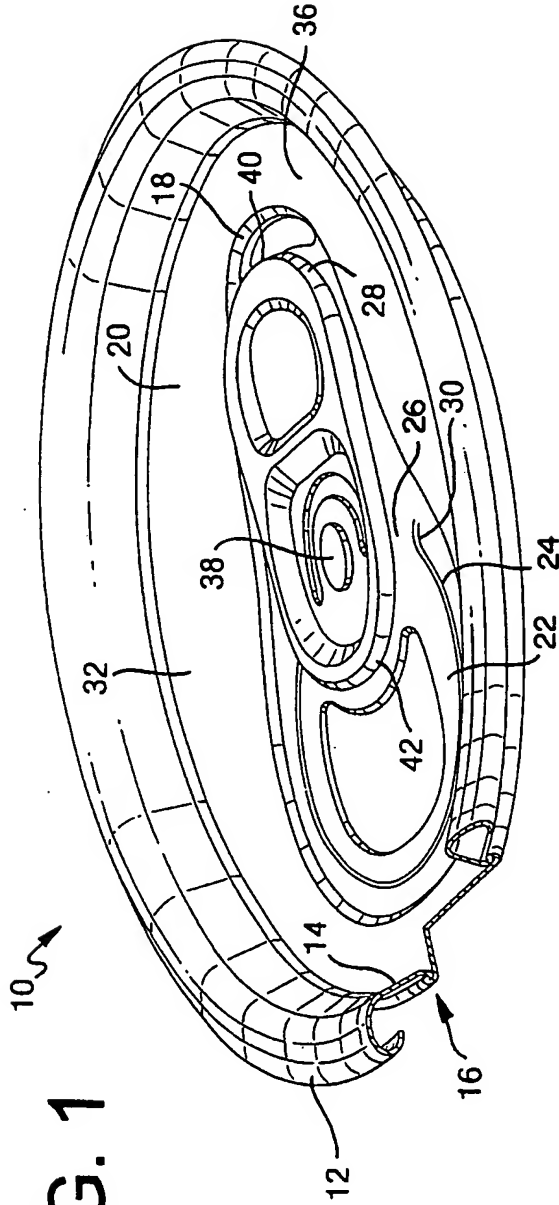


FIG. 1

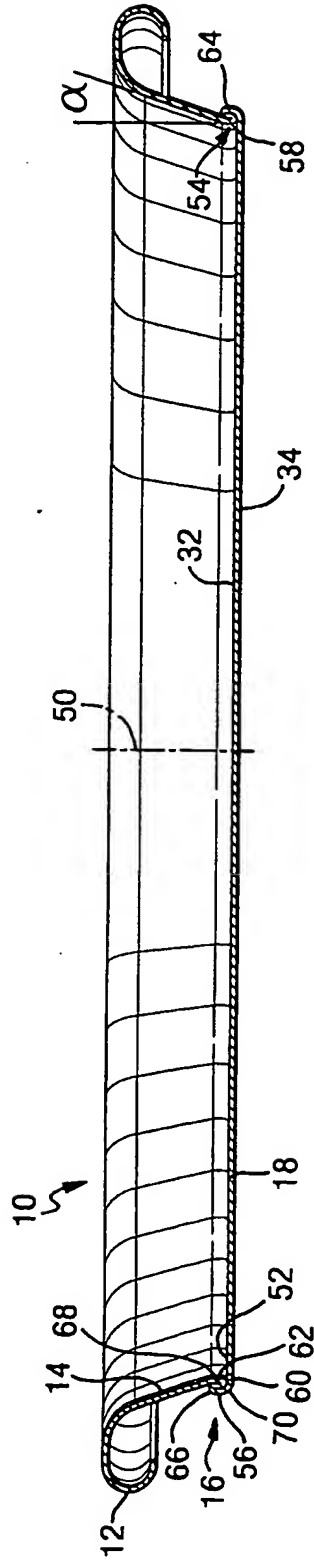


FIG. 2